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12 MONTANA FOURTEENTH JUDICIAL DISTRICT COURT
13 MUSSELLSHELL COUNTY

14 LESLIE B. RIFE) Cause No.:
15) Judge: **Randal I. Spaulding**
16 Plaintiff,)
17 vs.) COMPLAINT AND JURY
18 SIGNAL PEAK ENERGY, LLC its) TRIAL DEMAND
19 owners and affiliates, and)
JOHN DOE CORPORATIONS)
A-Z.)
20)
21 Defendants.)

22
23 Plaintiff Leslie B. Rife and by and through his attorneys above named and demands
24 damages from the Defendants, SIGNAL PEAK ENERGY, LLC and its related owners,
25

1 business entities subsidiaries and affiliates and in support thereof states as follows:

- 2 1. That the Plaintiff, Leslie Rife, is an adult citizen of the State of Tennessee and a
3 resident of Cocke County.
- 4 2. That the Defendant, Signal Peak Energy, LLC hereinafter referred to as
5 "Defendant," is a limited liability company doing business in Montana, who owns
6 and/or manages the premises commonly known as Signal Peak Coal Mine in
7 Musselshell County, Montana.
- 8 3. Upon information and belief, Defendant is owned by First Energy Venture, an Ohio
9 based utility company and Pinesdale, LLC, a wholly owned affiliate of Gunvor
10 Group, Ltd. a commodity trading company.
- 11 4. That on or about June 10, 2012, the Plaintiff in his capacity as a truck driver for
12 Slater Fore Consulting (a chemical delivery trucking company based in Pike
13 County, Kentucky) was making a delivery of certain chemicals to Defendant on
14 Defendant's premises.
- 15 5. Plaintiff parked his truck on property of the premises owned and managed by
16 Defendant, and assisted Defendant's employees in off-loading the chemicals. At
17 that same time and place, the loading area had not been properly cleared of water,
18 chemicals and mud from leaking chemicals and/or water. The loading area
19 maintained by Defendant was excessively and unreasonably muddy and slippery
20 and caused the Plaintiff to slip trip or fall, causing him severe injuries more fully
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hereinafter described.

6. As a result of the failure of the Defendant to properly clear all the loading area of
mud, water and liquid chemicals, Plaintiff sustained serious and severe injuries to
his person, including, but not limited to injuries to his face, brain, spine and right
knee and other related serious and severe personal injuries including
neuropsychological condition(s).

7. After the Plaintiff's above described fall, and despite his obvious severe injuries,
rather than alerting emergency medical professionals, Defendant's employees
loaded Plaintiff into a pick-up truck and drove him to Billings Clinic Emergency
Room in Billings, Montana.

8. Solely as a result of the injuries aforementioned, the Plaintiff has incurred damages,
including:

a. Medical expenses;

b. Lost wages;

c. He has, may, and probably will for an indefinite time in the future suffer
great pain, inconvenience, embarrassment, and mental anguish;

d. He has, may, and probably will for an indefinite time in the future be
deprived of ordinary pleasures of life, loss of well-being, and equanimity;

and

e. His overall health, strength, and vitality has been greatly impaired.

1 COUNT I
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3 NEGLIGENCE OF THE DEFENDANT
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5 9. The Plaintiff incorporates herein by reference hereto the allegations of paragraphs
6 1 through 8 above as if more fully set forth herein at length.
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8 10. The aforesaid incident occurred as a result of and was proximately caused by the
9 careless, negligent, grossly careless, and reckless conduct of the Defendant which
10 consisted inter- alia of the following particulars:
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12 a. Failing to properly supervise and maintain the loading area or port in
13 question so as to furnish to the Plaintiff, Leslie Rife, a safe level dry
14 parking and loading zone, free from hazards which were recognized or
15 should have been recognized by Defendant, as causing or likely to cause
16 the serious physical harm to the Plaintiff and others;
17 b. Failing to maintain the above loading zone and/or port and parking area in
18 a safe condition to insure that the Plaintiff would not be caused to slip and
19 fall as a result of the mud and water which existed and which were known
20 and should have been known to the Defendant;
21 c. Failing to properly inspect the loading zone wherein the Plaintiff was
22 caused to fall as a result of not removing the mud and other hazards;
23 d. Failing to maintain the premises owned by Defendant in good and safe
24 condition for the Plaintiff and others;
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- 1 e. Failing otherwise to comply with the applicable laws and regulations of
- 2 the State of Montana and the applicable Federal laws and regulations;
- 3 f. Otherwise failing to exercise the degree of care required under the
- 4 circumstances, including failing to provide emergency medical care to
- 5 Plaintiff immediately after the fall; and
- 6
- 7 g. Otherwise being negligent.

COUNT II.

DEFENDANT'S NEGLIGENCE PER SE

14 12. The Plaintiff incorporates herein by reference hereto the allegations of paragraphs
15 1 through 11 above as if more fully set forth herein at length.

1 mine.

WHEREFORE, plaintiff prays for judgment against defendant as follows:

12 1. For all damages permitted under Montana law;

13 2. For past and future wage and benefits loss, past and future medical costs, past

14 and future physical therapy and vocational costs, loss of enjoyment of life, loss of

15 established course of living, loss of income earning capacity, emotional distress, mental

16 anguish, and psychological injury;

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18 3. For plaintiff's costs incurred; and

19 4. For such other and further relief the Court deems just and proper.

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TRIAL BY JURY

2 Plaintiff demands a trial by jury.

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4 DATED this 27th day of May, 2014.

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MACKAY LAW FIRM, PLLC
By: 
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Attorneys for Plaintiff